

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 29, 2004. Claims 1-17 remain pending in this application. Claims 1, 2, 4-10, 12, 13, and 17 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-17 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse the rejection. The Office Action relies on an "undue experimentation" argument in rejecting the claims. As per M.P.E.P. § 2164.01(a), "The determination that 'undue experimentation' would have been needed to make and use the claimed invention is not a single, simple factual determination.. it is a conclusion reached by weighing all the above noted factual considerations." The factors to which this section alludes are (A) the breadth of the claims, (B) the nature of the invention, (C) the state of the prior art, (D) The level of one of ordinary skill, (E) The level of predictability in the art; (F) The amount of direction provided by the inventor; (G) The existence of working examples; and (H) The quantity of experimentation needed to make and/or use

S:\WX\Amendments\2004 Amendments\A80003A.amd.doc

the invention based on the content of the disclosure. (See, *In re Wands*, 858 F.2d 731, 737 (Fed. Circ. 1988). Under *In re Wands*, it is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors, while ignoring the others. Applicants respectfully believe support for the limitation "means for reducing the DC-offset" exists at least in the specification on pages 3, paragraph 3, pages 5-7, and within Claims 2, 4, 5, and 7 themselves. Additionally, Claims 9-14 do not even include the limitation "means for reducing the DC-offset". Thus Applicants respectfully request withdrawal of the § 112, first paragraph rejection.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application. Please charge any additional fees which may now or in the future be required in this application, including extension of time fees and fees for claims added upon amendment, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Applicants' undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

By 

Aaron Waxler,

Reg. 48,027

(914) 333-9608

June 21, 2004

S:\WX\Amendments\2004 Amendments\A80003A.amd.doc

11